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11 August 2008

Delores M. Nelson  
Central Intelligence Agency  
Information and Privacy Coordinator  
Washington, D.C. 20505

APPROVED FOR RELEASE  
DATE: 18-Aug-2010

Re: FOIA Request – Internal Investigation of Inspector General's Office

Dear Ms. Nelson:

This is a request on behalf of the James Madison Project under the Freedom of Information Act, 5 U.S.C. § 552, *et seq.*, for copies of all internal Central Intelligence Agency (“CIA”) documents pertaining to:

- (1) discussions concerning the decision to initiate an internal review of the operations of the CIA’s Inspector General (“IG”), John Helgerson, and of the Office of the Inspector General (“OIG”) as a whole, that are dated after 5 November 2007;
- (2) the activities of the internal review itself, including but not limited to discussions, meetings and/or correspondence initiated with the OIG;
- (3) proposals for and the implementation of changes in the operations and procedures of the OIG, including but not limited to the appointment of an ombudsman and a “quality control officer;”
- (4) any semiannual IG reports to the Director that reference any of the above.

Enclosed please find copies of news articles from the *New York Times* and *Washington Post* referring to confirmation by the CIA that Director General Michael Hayden ordered the internal review in April 2007 and that it concluded its investigation in February 2008.

*“Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives.”*

*James Madison, 1822*

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The James Madison Project

If you deny all or part of this request, please cite the specific exemptions you believe justify your refusal to release the information or permit the review and notify us of your appeal procedures available under the law. In excising material, please "black out" rather than "white out" or "cut out."

Additionally, we are hereby requesting a waiver of all fees. JMP is a non-profit organization under the laws of the District of Columbia and has the ability to disseminate information on a wide scale. Stories concerning our activities have received prominent mention in many publications including, but not limited to, *Washington Post*, *Washington Times*, *St. Petersburg Tribune*, *San Diego Union Tribune*, *European Stars & Stripes*, *Christian Science Monitor*, *U.S. News and World Report*, *Mother Jones* and *Salon Magazine*. Our website, where much of the information received through our FOIA requests is or will be posted for all to review, can be accessed at <http://www.jamesmadisonproject.org>. Most prior requests submitted by our organization have received fee waivers.

There can be no question that the information sought would contribute to the public's understanding of government operations or activities and is in the public interest. Over the course of the Global War on Terror ("GWOT"), numerous documents from a host of executive branch agencies have been released, detailing the legal and policy considerations that have formed the basis for discussions on a wide-range of national security policies. One example was the DOJ's disclosure of memoranda that originated in its Office of Legal Counsel and which formed a critical component of U.S. policies concerning detention of terrorist suspects. Given the highly-publicized nature of this particular controversy and its relation to the activities of the CIA's internal "watchdog," detailing the arguments considered prior to the authorization of this internal review, as well as the manner in which the review was conducted and the rationale underlying the resulting changes that were implemented, will clearly contribute to the public's understanding of government operations or activities.

The CIA is required by law to respond to this request within 20 working days. Failure to timely comply will result in the filing of a civil action against the CIA in the United States District Court for the District of Columbia.

We request that any documents or records produced in response to these requests be provided in electronic (soft-copy) form wherever possible. Acceptable formats are .pdf, .jpg, .gif, .tif. We do *not* authorize CIA to search only for records existing as of the date of your acceptance letter.

Your cooperation in this matter would be appreciated. If you wish to discuss this request, please do not hesitate to contact my Director of FOIA Operations Kel McClanahan at

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*James Madison, 1822*

## The James Madison Project

Kel@JamesMadisonProject.org or 301-728-5908.

Please respond to this request by email to Kel@JamesMadisonProject.org or by fax to 240-681-2189. If postal correspondence is necessary, please have all return postal correspondence addressed specifically to the attention of Mark Zaid (not Kel McClanahan) to ensure proper delivery.

Sincerely,

Mark S. Zaid  
Executive Director

MSZ/km

*"Knowledge will forever govern ignorance, and a people who mean to be their own Governors, must arm themselves with the power knowledge gives."*

*James Madison, 1822*

C.I.A. Chief Defends Review on Agency's Inspector General - New York... <http://www.nytimes.com/2007/10/23/washington/23intel.html?ci=5124&...>

## The New York Times

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October 23, 2007

# C.I.A. Chief Defends Review on Agency's Inspector General

By MARK MAZZETTI

WASHINGTON, Oct. 22 — The director of the Central Intelligence Agency on Monday vigorously defended the agency's examination of its own inspector general, calling it a "management review" intended to improve investigations by that independent internal watchdog.

The director, Gen. Michael V. Hayden, said he had ordered the review after hearing reports about the conduct of Inspector General John L. Helgerson that "raised questions in my mind" about how Mr. Helgerson's office was carrying out its investigations of C.I.A. programs.

The comments by the director, in an appearance on the PBS television program "Charlie Rose," were his first public remarks on the subject since news reports this month disclosed the existence of the internal review.

General Hayden did not specify what in particular concerned him about the investigations by Mr. Helgerson's office. He said a small group led by Robert L. Deitz, a close aide to the director, had been working on the review since April and would deliver a report within "the next week or so."

"This was designed to be low key," he said.

The review has drawn criticism from Democrats and Republicans alike on Capitol Hill, who have suggested that it could have a chilling effect on Mr. Helgerson's independence.

Mr. Helgerson's office has investigated some of the most controversial programs undertaken by the agency since the Sept. 11 attacks, including its efforts to detain and interrogate leading terrorism suspects and its program of "extraordinary rendition": the practice of capturing suspects and delivering them to authorities in other nations.

The inspector general's investigations have bred resentment among some at the agency, who say the inquiries amount to second-guessing of C.I.A. operatives in dangerous field assignments.

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The New York Times



February 2, 2008

## C.I.A. Tells of Changes for Its Internal Inquiries

By MARK MAZZETTI

**WASHINGTON** — After an internal inquiry that put his office under unusual scrutiny, the inspector general of the Central Intelligence Agency has agreed to a series of changes in the way the office conducts its investigations of the agency's practices, the C.I.A. director confirmed on Thursday in a message to agency employees.

Among the changes announced by the director, Gen. Michael V. Hayden, were new procedures to allow agency officers to lodge complaints against the inspector general's office, which is an independent auditor over the agency's internal affairs.

General Hayden said the changes were intended to "heighten the efficiency, assure the quality and increase the transparency of the investigative process."

The internal inquiry, unusual in its focus on investigators who usually ask the hard questions rather than answering them, had created anxiety among some inside the office of the inspector general, John L. Helgerson, and drew criticism from lawmakers who said the review was inappropriate and could have a chilling effect on inquiries into questionable conduct by the agency.

Started in April, the review was led by Robert L. Deitz, a close aide to General Hayden.

It was begun after complaints from C.I.A. officers that Mr. Helgerson's office had not been an impartial judge of agency operations and had begun crusading against controversial agency programs.

Some complained that inspector general investigations were unnecessarily long and resulted in huge legal bills for agency employees whose work was under review.

As an example, they cite an investigation into the shooting down of a missionary plane in 2001 by Peruvian troops advised by C.I.A. officers. The investigation has lasted nearly seven years and remains incomplete.

In his message to agency employees, General Hayden said the inspector general's office would now have an ombudsman to hear complaints from C.I.A. officers and to ensure the fairness of internal agency investigations.

He also said that the inspector general's office was installing new equipment to allow investigators to record interviews and create a more permanent record of investigations. In addition, a new position of quality control officer is being established inside the office to attest, as General Hayden put it, "that reports include all exculpatory and relevant mitigating information."

A C.I.A. spokesman said Mr. Helgerson supported the steps General Hayden outlined.

CIA Sets Changes To IG's Oversight, Adds Ombudsman

<http://www.washingtonpost.com/wp-dyn/content/article/2008/02/01/AR...>

washingtonpost.com

## CIA Sets Changes To IG's Oversight, Adds Ombudsman

By Joby Warrick  
 Washington Post Staff Writer  
 Saturday, February 2, 2008; A03

The CIA's inspector general has agreed to tighter controls over its investigative procedures, agency officials revealed yesterday, in what appeared to be an attempt to soften resentments among agency officials over the watchdog's aggressive probes into the legality and effectiveness of the CIA's counterterrorism efforts and detention programs.

The revisions, which include the appointment of a special ombudsman to oversee the IG's work, were disclosed by CIA Director Michael V. Hayden in an e-mail sent to employees, announcing the end of an unusual inquiry into the performance of Inspector General John L. Helgerson, a 36-year CIA veteran and the man chiefly responsible for the spy agency's internal oversight.

The inquiry, begun last year, had raised concern among lawmakers who worried that the CIA was seeking to undermine the independence of Helgerson and his staff of auditors and inspectors. Helgerson angered top officials at the agency after leading aggressive investigations into the CIA's performance before the Sept. 11, 2001, terrorist attacks, as well as its use of secret prisons and harsh interrogation methods against suspected terrorists.

Hayden, in the note to employees, praised Helgerson and his staff as being "committed to performing investigations . . . of the highest quality, integrity and timeliness," but said the inspector general had agreed on the need for changes.

"John has chosen to take a number of steps to heighten the efficiency, assure the quality and increase the transparency of the investigation process," Hayden said in the e-mail.

The changes include measures intended to speed up investigations and require the watchdog to keep CIA employees and managers informed about both the process and results of investigations. In addition to appointing an ombudsman, Helgerson also agreed to name a "quality control officer" who would make sure that reports "include all exculpatory and relevant mitigating information," Hayden said.

The agency did not make Helgerson available for comment, but CIA spokesman Paul Gimigliano said the inspector general had "concurred with the director's statement and was comfortable with the steps agreed upon."

Helgerson, who joined the CIA in 1971, wrote a report that harshly criticized the agency for failing to anticipate al-Qaeda's attacks on the World Trade Center and the Pentagon on Sept. 11, 2001. That report, parts of which were released last fall under a congressional order, recommended that some CIA officials be held accountable for failing to do more to prevent the attacks. But the agency's then-management decided against sanctions.

Helgerson also drafted a classified report critical of the CIA's interrogation of top al-Qaeda suspects. The report said the use of waterboarding and other aggressive interrogation methods by CIA officers violated the Geneva Conventions' ban on torture.

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# Fax

To: CIA FOIA Office  
From: Kel McClanahan

Fax: (703) 613-3007 Pages: 8

Phone: (202) 907-7945 Date: 8/11/2008

Re: Internal Inquiry of OIG CC:

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